

## REMARKS

### Summary of the Office Action

Claims 1 and 4 are considered in the Office Action.

Claims 1 and 4 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Butaud et al U.S. Patent No. 6,737,904 (“Butaud”).

The Office action states that the Rule 131 affidavit filed in reply to the previous Office action is ineffective to overcome Butaud because the affidavit did not allege that the acts relied on to establish a date prior to Butaud were carried out in this country or in a NAFTA country or WTO member country.

### Reply to § 102(e) Rejection

Applicant submits herewith a Rule 131 Declaration of Marc Blumer (“Blumer Decl.”) to overcome the § 102(e) rejections based on Butaud. Applicant conceived and reduced to practice, in the United States, the invention claimed in this application well before November 12, 1999. Blumer Decl. ¶¶4-6. Because Butaud is not prior art to applicant’s invention, applicant respectfully requests that the §102(e) rejections of claims 1 and 4 be withdrawn.

### Conclusion

For the reasons stated above, applicant submits that this application, including claims 1 and 4, is allowable. Applicant therefore respectfully requests that the Examiner allow this application.

Respectfully submitted,

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